

REMARKS

Claims 1-17 are pending in the present application. Claims 3-5, 7 and 12 are withdrawn from consideration as drawn to nonelected species. Claims 1, 6, 8-11 and 13-17 were rejected under 35 U.S.C. §102(b) as being anticipated by Knebel et al., U.S. Patent Application Publication No. 2002/0020800 A1. Claim 2 was rejected under 35 U.S.C. §103(a) as being upatentable over Knebel et al. in-view of Batchelder et al., U.S. Patent No. 5,689,333.

Claim 1 has been amended. New claim 18 has been added. Reconsideration of the application is respectfully requested.

Amendments to the claims

Independent claim 1 has been amended to recite that “the manipulating light beam can be guided over and/or through the sample using the beam deflection device.” Support for the amendment may be found, for example, at the paragraph beginning at line 13 on page 4 of the present specification. It is respectfully submitted that no new matter has been added.

Rejections under 35 U.S.C. §102(b), §103(a)

Claims 1, 6, 8-11 and 13-17 were rejected under 35 U.S.C. §102(b) as being anticipated by Knebel et al., U.S. Patent Application Publication No. 2002/0020800 A1. Claim 2 was rejected under 35 U.S.C. §103(a) as being upatentable over Knebel et al. in view of Batchelder et al., U.S. Patent No. 5,689,333.

Knebel describes a microscope having a beam deflection device 12 for illumination light beam 5, and a second beam deflection device 16 for manipulation light beam 9. A beam splitter/scanning mirror 13 combines the manipulation beam path and the illumination beam path. The scanning mirror 13 is transparent to the light from the manipulation light source. See page 5, sections [0057] and [0059], and Fig. 1.

Batchelder shows mirrors 74, 76 which can move out of the beam path. See Fig. 1.

Independent claim 1, as amended, recites an illuminating light beam and a manipulating light beam that both "can be guided over and/or through the sample using [the] beam deflection device." It is respectfully submitted that neither of Knebel or Batchelder teach or suggest these features of claim 1. In contrast, Knebel describes separate beam deflection devices for the illuminating and manipulation light beams. It is respectfully submitted that section [0027] on page 2 of Knebel, pointed out by the Examiner (See page 3 of the Office Action), does not teach a single beam deflection device which can guide the illuminating and manipulation light beams over the sample, as recited in claim 1. Rather, section [0027] specifies that in the case where one of the scanning mirrors is arranged in the common beam path, the scanning mirror "is transparent for one of the two beam paths, whereas it acts as a mirror for the other beam path." See Knebel, page 2, section [0027], lines 10-12. Because it is transparent for one of the two beam paths, the scanning mirror arranged in the common beam path cannot guide both the illuminating and manipulation light beams over the sample, as recited in claim 1. This is consistent with the rest of the Knebel reference, which requires a separate beam deflection device for each of the illuminating and manipulation light beams. Nor does Batchelder teach the above-recited features of claim 1.

Because both of Knebel and Batchelder are missing at least the above-recited features of independent claim 1, these references cannot anticipate claim 1 or its dependent claims, nor can a combination of these references, to the extent proper, render any of the claims obvious.

Withdrawal of the respective rejections of claims 1, 6, 8-11 and 13-17 under 35 U.S.C. §102(b) based on Knebel et al., and of claim 2 under 35 U.S.C. §103(a) based on Knebel et al. in view of Batchelder et al., is respectfully requested.

New claim 18

New claim 18 has been added, depending from claim 1 and reciting that "the mirror can be put in a neutral position out of the illumination beam path." Support for the new claim may be found, for example, at the paragraph beginning line 20 on page 4 of the present specification. It is respectfully submitted that new claim 18 is patentable over the cited

references for at least the same reasons that independent claim 1 is.

Appl. No. 10/680,980
Resp. Dated August 30, 2005
Reply to Office Action of May 31, 2005

Atty. Docket No. 5005.1061



CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: _____

Erik R. Swanson
Reg. No. 40,833

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940